

EXHIBIT H

Richard Fisher E-Mail, Dated May 22, 2013

Roger Higgins

From: Fisher, Richard <Fisher.Richard@epa.gov>
Sent: Wednesday, May 22, 2013 2:31 PM
To: 'ASHLEY BIGELOW'; Solomon M. Feldman
Cc: Bucens, Paul G.; Kathy Zeigler; DeCambre, Peter; Kilborn, John; Bob Campbell; Chapell, Robin; Czarniecki, Sean
Subject: Asphalt AOC repair

On Tuesday, May 14, 2013, I observed the asphalt area-of-containment (AOC) during a site visit. I was accompanied by Ashley Bigelow, Real Estate Agent representing the Shaffers. The degradation of the asphalt cover was observed to include, but not limited to, fully penetrating cracks, and vegetation coming up through the cap. The October 22, 2012 Tata & Howard 2012 Annual Inspection Activities Report (October 2012 Report) notes that two cracks were observed, but there has been no corrective measures taken to repair these cracks, or any other degradation to the cap observed on May 14 that was likely also present during the inspection described in the October 2012 Report.

Under the 1992 Second Administrative Order for Removal Action (CERCLA Docket No. I-92-1022), the Parties as part of the Post-Removal Inspection and Maintenance Plan were required to implement a maintenance program undertaking repairs of damaged or deteriorated areas. Based on the observance of the deteriorating asphalt area-of-containment during the recent site visit, the Respondents shall propose to EPA within 14 days of this email how this degradation will be repaired in accordance with Section 2.3 of the September 1992 Inspection & Maintenance Plan (I&M Plan) for the Site. This proposal may account for the expectation that a long-term solution to the condition of this cap shall be addressed during construction of the groundwater treatment building. A proposal for a long-term solution was requested in my May 3, 2012 email to Mr. Bucens and Ms. Zeigler concurring with the treatment building location. However, interim repairs shall be proposed to EPA per this email in order to comply with the I&M Plan, at EPA's discretion, until the long-term solution is implemented. Please feel free to call or email me if you have any questions.

Thank you,

Rich Fisher
EPA Project Manager
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